



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:	DELAWARE GAMING CONTROL BOARD
MEETING DATE AND TIME:	Thursday, March 6, 2008 at 1:00 p.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room B, second floor of the Cannon Building
MINUTES APPROVED:	April 3, 2008

MEMBERS PRESENT

John Mancus, Chairman, Public Member
James Greene, Vice Chairman, DE Volunteer Fireman's Association Member
Brad Barrie, Public Member
Deborah Messina, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Robert Willard, Deputy Attorney General
Debbie Heinsch, Administrative Specialist II
James Collins, Director, Division of Professional Regulation
Peggy Foreit, Administrative Specialist III

ALSO PRESENT

Herb Dulin, Go All In
Rev. Jim Dulin, Go All In
David Horsey, Horsey Family Youth Foundation
Colleen Kellner, Delaware Diamonds Softball
Hugh Leahy, Delaware Community Foundation
Melanie Malloy, The Summer Winds Stables
Beverly Mattox, The Summer Winds Stables
Robert Mulroy, Virgil Wilson VFW Post 4961
Michael Payne, Horsey Family Youth Foundation
Dave Reed, Camden Wyoming Fire Co.
Bobbi Scott, Camden Wyoming Fire Co.
Joyce Talley, Premier Poker LLC

MEMBERS ABSENT

Thomas Trader, Public Member

CALL TO ORDER

Mr. Mancus called the meeting to order at 1:13 p.m.

REVIEW OF MINUTES

The Board reviewed the minutes of the meeting held on February 7, 2008 minutes. Mr. Greene made a motion, seconded by Ms. Messina to approve the minutes. The motion was unanimously carried.

The Board reviewed the minutes of the committee meeting held on February 25, 2008 minutes. Mr. Greene made a motion, seconded by Ms. Messina to approve the minutes. Mr. Greene, Mr. Mancus, and Ms. Messina voted in favor, Mr. Barrie abstained. The motion was carried.

The audience made introductions.

Mr. Greene made a motion to reorder the agenda, seconded by Ms. Messina. The motion was unanimously carried.

The Board reviewed the Camden Wyoming Fire Company's application for a bingo license. Mr. Greene made a motion, seconded by Ms. Messina to approve the events with dates of March 11, 2008 forward. Mr. Mancus reported that the 50/50 is a special bingo game and not a raffle game. The motion was unanimously carried.

The Board reviewed the Delaware Diamonds Softball application for a bingo license. Mr. Greene made a motion, seconded by Ms. Messina to approve the event. The motion was unanimously carried.

The Board reviewed The Summer Winds Stables, Inc.'s application for a bingo license. Mr. Greene made a motion, seconded by Ms. Messina to approve the event. The motion was unanimously carried.

Mr. Mulroy, Virgil Wilson VFW Post 4961, spoke regarding his concern that after occasion reports must be notarized now as they were not in the past. Mr. Willard advised that the word "verified" refers to sworn to and need not be notarized. Mr. Mancus inquired as to who requested the opinion of a Deputy Attorney General on this issue; Mr. Willard reported that it was Mr. Collins. Mr. Mancus reported that he wants every application and after occasion report notarized. Mr. Greene made a motion, seconded by Mr. Barrie to accept the six after occasion reports that Mr. Mulroy is submitting today, without a notarized signature. This acceptance is only valid for the reports submitted today; any further reports must be notarized. Mr. Mancus requested he submit the after occasion reports to Debbie and leave. Mr. Mancus reported that a lot of things will be changing in the future.

The Board reviewed the Camden Wyoming Fire Company's application for an instant bingo license. Mr. Greene made a motion, seconded by Mr. Barrie to approve the application. The motion was unanimously carried.

The Board reviewed the Camden Wyoming Fire Company's application for a Texas Hold'Em event on March 7, 2008. Mr. Greene made a motion, seconded by Mr. Barrie to approve the application. The motion was unanimously carried.

Ms. Talley requested verification on the after occasion reports, is a notary required? Mr. Mancus responded that it is required.

UNFINISHED BUSINESS

Review of Swann Keys Sports Club Application

Mr. Willard reviewed their IRS determination letter and determined that they are an appropriate entity and eligible for their requested permit. The Board determined that their bylaws are not enclosed as required on the application. Mr. Willard inquired, how can they be held to it? Mr. Greene made a motion, seconded by Ms. Messina to approve contingent upon receipt of bylaws that can be reviewed by the Division. Mr. Barrie, Mr. Greene, Ms. Messina voted in favor, Mr. Mancus opposed. The motion was carried.

Final Denials (proposed to Deny – No Hearing Requested)

Blackbird Community Center
Good Will Fire Co. Ladies Auxiliary
Lewes Lions Club
New Castle Masonic Hall CO.
NAFA New Castle County

Ms. Messina made a motion, seconded by Mr. Barrie to deny the applicants listed above. The motion was unanimously carried.

NEW BUSINESS

Review of Application for Texas Hold 'Em Tournament(s)

Holy Rosary Roman Catholic Church	April 4, 2008
Oak Orchard-Riverdale Post #28	April 25, 2008
Temple Beth El	March 30, 2008
New Castle Ducks Unlimited	April 25, 2008
Cape Henlopen Little League	May 17, 2008
Holy Cross Church	April 26, 2008
St. Marks' High School	April 12, 2008
Georgetown Little League	March 8, 2008
Camden-Wyoming Fire Company	March 7, 2008
Bowers Fire Company	March 22, 2008
Midway Lions Club	May 23, 2008
Indian River Volunteer Fire Co. Inc.	March 15, 2008
South Bowers Fire Company, Inc.	March 14, 2008
Walter L. Fox Post No. 2	March 29, 2008
Harrington Fire Company	March 28, 2008
Del Vets Post #2	May 24, 2008
Christiana Fire Co.	March 28, 2008
Fundraising Committee	April 5, 2008
Police Unity Tour	April 18, 2008

Mr. Greene requested the name of the Tournament Director be listed on future agendas.

The Board reviewed the applications for Fundraising Committee and Police Unity Tour. Ms. Messina made a motion, seconded by Mr. Barrie to approve. Mr. Barrie, Mr. Mancus, and Ms. Messina voted in favor. Mr. Greene abstained. The motion was carried.

Ms. Messina made a motion, seconded by Mr. Barrie to approve the applications for Holy Rosary Roman Catholic Church, New Castle Ducks Unlimited, Cape Henlopen Little League, Holy Cross Church, Harrington Fire Company, and Del Vets Post #2. Mr. Barrie, Mr. Mancus and Ms. Messina voted in favor, Mr. Green abstained. The motion was carried.

Ms. Messina made a motion, seconded by Mr. Greene to approve the applications for St. Marks' High School, Georgetown Little League, Bowers Fire Company, Midway Lions Club, Indian River Volunteer Fire Co. Inc., South Bowers Fire Company, Inc., Walter L. Fox Post No. 2, Christiana Fire Co., Oak Orchard-Riverdale Post #28, and Temple Beth El. The motion was unanimously carried.

Review of Charitable Gambling Event Application(s)

Sussex Memorial VFW #7422
The American Cancer Society – DE Chapter
Knights of Columbus – Old Bohemia Council #6543
Saint Mark's High School
American Heart Association
St. John the Beloved, Athletic Association
Delmar Fire Dept. Inc.
Christiana Fire Co.
St. Matthew Roman Catholic Church
Minquadale Fire Company
St. Helena Roman Catholic Church

Mr. Greene made a motion, seconded by Mr. Barrie to approve the above Charitable Gambling Event applications with the exception of Sussex Memorial VFW #7422, and The American Cancer Society, Delaware Chapter. The motion was unanimously carried.

The Board reviewed the application for Sussex Memorial VFW #7422. Mr. Greene made a motion, seconded by Ms. Messina to approve with the exception of the January and February dates. It was recommended that a letter be sent indicating they must submit their application earlier for future events. The motion was unanimously carried.

The Board reviewed the application for The American Cancer Society, Delaware Chapter. Mr. Greene made a motion, seconded by Mr. Barrie to approve this permit. The motion was unanimously carried.

Review of Original Bingo Application

The Board reviewed the application for Grand Chapter of Delaware, OES. Mr. Greene made a motion, seconded by Ms. Messina to approve contingent upon receipt of IRS determination letter with the correct status. The motion was unanimously carried.

Review of Bingo Event Application(s)

Mill Creek Fire Co. Auxiliary
March of Dimes Delaware Chapter
Lenape Indian Tribe of Delaware
Nanticoke Little League
Friends for Responsible Pet Care
Seaford Moose Lodge #1728
Seaford Moose Lodge #1728

Dagsboro Fire Co.
Ladies Auxiliary of Georgetown Fire Co.
Camden Wyoming Fire Company
Oak Orchard Riverdale American Legion Post #8
Lewes Lions Club
Friends for Responsible Pet Care
The Summer Winds Stables
Delaware Storm Travel Teams
Delaware Storm Travel Teams
Bridgeville Fire Co. Auxiliary
Milford Elks Lodge No. 2401
Delmar Fire Dept. Ladies Auxiliary
Delaware Diamonds Fast pitch Softball
Nanticoke Memorial Hospital- Employee Activity Committee
Historic Georgetown Association
Delaware Shore Field Hockey Association, Inc.

Mr. Barrie made a motion, seconded by Ms. Messina, to approve the above bingo event applications, with the exception of Nanticoke Memorial Hospital, Employee Activity Committee, Historic Georgetown Association, and Delaware Shore Field Hockey Association, Inc. The motion was unanimously carried.

The Board reviewed the application from Nanticoke Memorial Hospital, Employee Activity Committee. It was questioned, is the employee activity committee exempt? Does it fall under 501c4? Mr. Greene made a motion, seconded by Mr. Barrie to approve contingent upon receipt of IRS determination letter and bylaws or articles of confederation. Mr. Barrie, Mr. Greene, and Ms. Messina voted in favor, Mr. Mancus opposed. The motion was carried.

The Board reviewed the applications from Historic Georgetown Association, and Delaware Shore Field Hockey Association, Inc. Mr. Barrie made a motion, seconded by Ms. Messina to approve. The motion was unanimously carried.

Review of Raffle Application(s)–

Today Media Charitable Foundation
DE Chapter National MS Society
Girls Incorporated of Delaware
Saint Mark's High School
Minquadale Fire Company

The Board reviewed the applications listed above. Mr. Greene made a motion, seconded by Mr. Barrie to approve all raffle applications. The motion was unanimously carried.

Permit/Event Approval –

All actions were taken above

Mr. Willard drafted a rule change to 6.1, permitting charitable gambling no limit with a cap of \$200.00 per day. Discussion pursued regarding having wristbands to track the amount spent was discussed. The Board requested that a rule be added mandating that cash can not be used, only chips. Mr. Mancus supported tyvec wristbands with the amounts kept track on the bracelet. The Board determined that the vendor will be responsible for tracking the amount of chips sold, and some sort of wristband mechanism, or a mechanism that has previous Board approval for tracking. Mr. Mancus requested additional outreach to each Church advising

them of the new guidelines, and advising the Attorney that represents the Diocese of the Catholic Church of the hearing. Mr. Willard will redraft and will then proceed through the proper channels for a hearing. The new draft will be circulated by the Division of Professional Regulation with all responses going to Debbie to hopefully adopt at the next meeting for publication.

Mr. Willard addressed the Board regarding the complaint that Mr. Mancus has reviewed. Mr. Mancus would like the complaint to go to the Attorney General for criminal charges. Barbara Gadbois has already sent the complaint to the Board for a hearing and possible action. Mr. Willard believes that their criminal prosecutors will not think that it warrants that level, they will not prosecute for a rule violation and rather that it is a Board matter and not a criminal persecution matter. Ms. Gadbois has been in contact with the Attorney for this licensee and they may reach an agreement. Mr. Mancus recollection of the motion was to authorize the chairman to make the referral for any matter; his other concern is that the Section of the Rules and Regulations that deals with this particular allegation is defective the way it is written. It was reported that they might argue it is defective in its drafting and that it doesn't apply. Mr. Mancus reported that if you can't send this one to the Attorney General's office, you will never send a matter there. Mr. Greene made a motion, seconded by Mr. Barrie to have the situation go before the Board for a hearing. A hearing will be scheduled with contact from Ms. Gadbois. Mr. Barrie, Mr. Greene, Ms. Messina voted in favor, Mr. Mancus opposed. The motion was carried.

Mr. Willard reported that he has reviewed the IRS information and it is easier to determine those that are okay. He also reported that the applicant must present additional documentation to verify that they are okay, if it is questionable. Mr. Willard suggested that Rule 13.5 needs to be amended when revising the Rules and Regulations.

Progress of new applications/after occasion reports – Mr. James Collins

Mr. Collins addressed the board with 5 items. His recommendations are based upon continued calls from applicants, legislators, and the Secretary of State's Office. Mr. Collins met with the Division of Professional Regulation Staff to determine the points of pain. The first point is the After Occasion Reports, what does verify mean? The Division's Deputy Attorney General has determined that it means that they swear it is true and accurate. Mr. Collins reported that we are putting organizations through unnecessary hoops. Therefore, Mr. Collins requests that the After Occasion Reports be amended to allow them to swear that it is true and accurate, and not be notarized. Mr. Mancus questioned, "Will that be strong enough to win a case?" Mr. Willard states that the application says "I swear under penalty of perjury", and a notary only verifies that it is an actual signature. In his second point, Mr. Collins stated that 95% of the time the bylaws are not reviewed by the Board. He therefore requests allowing the applicant to attest that the proceeds go along with their bylaws and if it is not clear and decisive to then request the bylaws. Mr. Collins stated that since the applications do not ask for the bylaws, it often causes confusion. Often times their bylaws are very thick and cumbersome. Ms. Messina inquired, "Shouldn't they only be sent in with their first application, there has to be a way to check them." Mr. Greene suggested that they only submit bylaws and IRS letters one time. Mr. Collins reported that the Division has been in contact with the IRS for clarification, and IRS determination letters do not expire once they receive permanent status. Mr. Collins suggested that once their permanent IRS letter is on file that they attest that they continue to maintain their IRS status. Mr. Collins indicated that the Division should send out letters to those without a permanent letter on file requesting such. The third point is the IRS letter which was referenced above. The fourth point regarding the new requirement that applications be submitted 60 days prior to the event was discussed by Staff and it was determined that it would be difficult to enforce. If an application is received 45 days prior to an event, and is complete, what to do with that? Mr. Collins suggestion is to put a requirement in place that will force the process to back up. His suggestion is that the Board should not allow organizations to advertise until they have a license for the event. That is where the problem is, since people are consistently weeping because this Board denies items and they have spent the money to advertise the event. Mr. Collins suggested that they put their permit number on their advertisement. If this is required, it

would stop the damage. If their permit number is on the advertisements it is an effect of enforcement. The Gaming Board could then take action on offenders by having a hearing. The correct way is for the Division to investigate because it would then be a violation of the regulation. Mr. Greene stated that if this happened he would be in favor of it. The applicant's ability to hold a license for a certain period of time would be a sanction. Mr. Collins urged the board to allow the DAG, a board member, and himself to reorder the applications and get the new ones out within 30 days. Ms. Messina asks, "Would anything be prohibitive of them receiving their letter?" Mr. Collins stated that they could use the old application in the interim. Ms. Messina wants to assure that we are not causing any other hardship. Mr. Collins said that the draft applications will be at the next meeting for final approval. Ms. Messina doesn't feel that a notary needs to be on any of the forms. Mr. Mancus wants a decision from the criminal side determining if this would be okay. Mr. Willard advised that we can establish if their IRS determination letter is okay. Mr. Mancus added that if someone pours through the letter and it states 170 it is normally okay, with a few caveats. It is therefore requested to add attestation of the IRS letter and bylaws and eliminate the notary. Rev. Dulin is concerned that they (Go All In) already have a full schedule and how this will it affect them? Mr. Greene inquired as to when this will take effect. Mr. Collins requested that they coordinate through Debbie as to which Board member would like to be involved. Mr. Greene indicated that he would like to work on this project. Ms. Messina said she never knew bingo was so confusing and we need to do what we can do to make it the easiest and the best for all involved. Mr. Willard, Mr. Greene, and Mr. Mancus would like to work on this. Ms. Messina can also be available if needed. It was requested that Debbie coordinate a date between Mr. Collins and Mr. Willard's schedules. A draft will be sent out for review with the three new elements as well as Mr. Willard's suggestions. Mr. Collins stated that quite a few agendas are amended prior to Board meetings. He also reported that the Division's two business day rule is changing to ten business days to allow adequate processing times. Mr. Willard asked the Board if they want to change the rule to ten days instead of two business meetings. Mr. Collins spoke about the screenshot of the checklist that is currently in L2K. He advised that a permit/license can not be issued until the checklist is complete. Mr. Greene requested that 75 days between events be added as a requirement for Texas Hold'Em Tournaments, and they can not hold more than 4 per year. Mr. Mancus said that we could eliminate requesting a copy of house rules and go to attestation for it; it could be part of the new application, and not on the checklist. Mr. Mancus also added that a letter indicating that they intend to use the house rules could also be part of the attestation. The Bingo grandfather clause for the number of events held should be added to the checklist. Mr. Greene and Ms. Messina will review the application process in the near future. The new After Occasion Reports will hopefully be changed to due within 30 days, and not 15 days. The Board questioned if L2K could pick up those that have not completed After Occasion Reports? They would like to have letters sent to those that are out of compliance, indicating that they need to come into compliance and the next time another action will be taken. The Rules and Regulations state that they won't get any more licenses and any existing ones shall be suspended if they are not in compliance. The Board needs to determine what they want to do with that report. It was requested that the Division put alerts into L2K for those that are out of compliance and the Board can review those in that way. The Division will send out a strong letter requesting that they get into compliance for the first instance and the next time it goes to the Investigative Unit for review. Mr. Collins thanked everyone for their time. Mr. Mancus reminded everyone that we will be sending out letters of awareness in July. Mr. Greene said we put processes in place too soon. Mr. Collins indicated that there is a lack of clarity and the point was taken.

Mr. Mancus called for the election of officers. Ms. Messina made a motion, seconded by Mr. Barrie to nominate Mr. Greene for Chair. Mr. Greene accepted the nomination. Mr. Barrie, Mr. Mancus and Ms. Messina voted in favor, Mr. Greene abstained. The motion was carried.

Mr. Barrie made a motion, seconded by Mr. Greene to nominate Ms. Messina for Vice-Chair. Ms. Messina accepted. Mr. Barrie, Mr. Greene voted in favor, Mr. Mancus opposed, and Ms. Messina abstained. The motion was carried.

Ratification of Assignments –

22-02-08	James Greene	Contact Person
22-03-08	Debby Messina	Contact Person
22-04-08	Debby Messina	Contact Person
22-05-08	Debby Messina	Contact Person

Review After Occasion Report – The report was reviewed without action.

Other Business (for discussion only)

Public Comment

Next Meeting Date

The Board will hold a committee meeting on March 11, 2008 at 8:00 a.m. in Conference Room B of the Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904 to review proposed legislation changes.

The Board will hold a meeting on April 3, 2008 at 1:00 p.m. in Conference Room B of the Cannon Bldg, 861 Silver Lake Blvd, Dover, Delaware, 19904. All present indicated they would attend.

Adjournment

Mr. Barrie made a motion, seconded by Ms. Messina to adjourn. The motion unanimously carried. The meeting adjourned at 4:28 p.m.

Respectfully submitted,



Debbie Heinsch
Administrative Specialist II